

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NORMA I. GONZALEZ SANTOS,	:	CIVIL ACTION
Plaintiff	:	
v.	:	
	:	
MARTIN O'MALLEY, <sup>1</sup>	:	
Commissioner of the Social	:	
Security Administration,	:	
Defendant	:	NO. 23-691

**MEMORANDUM**

CAROL SANDRA MOORE WELLS  
UNITED STATES MAGISTRATE JUDGE

January 11, 2024

Norma I. Gonzalez Santos ("Plaintiff") has filed a motion to alter or amend this court's November 30, 2023 Judgment. The Commissioner has responded to the motion. For the reasons set forth below, Plaintiff's motion is denied.

**I. Standard of Review**

Plaintiff's motion to alter or amend a judgment is filed pursuant to Fed. R. Civ. P. 59(e). To be granted, a Rule 59(e) motion must rely upon: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error of law or prevent manifest injustice. *Lazardis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010) (citing *N. River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995)). A Rule 59(e) motion which simply repeats arguments raised initially is improper. *Lazardis*, 591 F.3d at 669.

**II. Application of the Standard**

Plaintiff's Rule 59(e) motion cites no new controlling law or new evidence. Instead, she asserts that her motion is necessary to correct a clear error of law or prevent manifest injustice.

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<sup>1</sup> Martin O'Malley became Commissioner of the Social Security Administration, on December 20, 2023. Pursuant to Fed. R. Civ. P. 25(d), Mr. O'Malley is substituted as Defendant in this suit. No further action need be taken to continue this suit, pursuant to the last sentence of 42 U.S.C. § 405(g).

Pl.'s Br. at 1. However, her brief merely seeks to reargue the same points she made in her opening brief in an attempt to convince the court to change its mind. This is not a proper basis for a Rule 59(e) motion. *Lazardis*, 591 F.3d at 669. Hence, Plaintiff's motion is denied.

An implementing order follows.